Development of the Common European Asylum System
A move forward

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1. Introduction

The aim of this paper is to provide recommendation for the further development of the Common European Asylum System (CEAS). We have decided to work on this topic due to its importance and actuality. The attempts to harmonize the national asylum systems have failed so far, and it is questionable if the scheduled establishment of the CEAS is achievable by 2012\(^1\). Regarding the political sensitivity of asylum and migration issues, the Member States hold on to their national policies with the consequence of big differences in reception standards, procedural guarantees or decision qualities. It is fundamental to enhance the situation of persons seeking protection in the European Union which would also prevent fraud and abuse. According to Human Rights Watch, the current policy is concentrated on keeping migrants out of Europe\(^2\). Bilateral agreements and the deportation to assumed “safe” third countries can result in a higher risk to return persons, who are in need of international protection to places where they are at risk of being persecuted (“refoulement”). Internal, states have been introducing more restrictive measures such as the withdrawal from social benefits for asylum seekers or the increased use of immigration detention.

We believe that the improvement and harmonization of the European asylum systems is in the interest of the asylum seekers as well as the Member States and the whole European Union. The Common European Asylum System should be consistently based on the respect of human and international protection rights, as well as on the solidarity between its Member States.

We will relate our work to the so called “Copenhagen School” of Security Studies. We will be concerned especially with the societal dimension, which is focused on the concept of identity.

The comprehensive new framework for security studies that Buzan et al. introduced in “Security - A New Framework for Analysis” has to be understood in its broader context of theoretical and methodological new approaches in Security Studies that emerged after the end of the Cold War. The main innovations can be summarized as “widening” and “deepening” the approach by considering new sectors\(^3\) and non-state actors\(^4\) as relevant when studying contemporary security complexes.

The area of our research can be labeled as an issue of the “societal” sector of security and we are dealing with a field of competing and cooperating actors like politicians, journalists, civil society,

\(^1\) Council of the European Union (2009): 60
\(^3\) Buzan et al (1998): 21-23
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human rights activists and alike. The “securitization” of an issue has to be understood as a successful speech act, “through which an intersubjective understanding is constructed within a political community to treat something as an existential threat to a valued referent object, and to enable a call for urgent and exceptional measures to deal with the threat”\(^5\). In the “societal” sector, the referent objects are “large-scale collective identities that can function independent of the state, such as nations and religions”\(^6\). Where a collective identity is defined, it enables the word “we” to be used. In our work, we want to go “beyond Copenhagen” and follow Stritzel in his alternative understanding of securitization-theory, who claims that security articulations need to be related to or embedded in their broader discursive contexts\(^7\). More emphasis should be done on the conditions that facilitate a securitization rather than limit the research on the singular securitizing speech act\(^8\).

Strizel outlines two major facilitating conditions:

1. The positional power of securitizing actors: “relevant actors are placed in different positions within a given social environment to influence collective meaning constructions”\(^9\).

2. The compatibility between the textual structure and the existing discourse: “texts often evolve out of particular socio-linguistic contexts so that they often carry with them the baggage of a historically evolved practice out of which and towards which a particular text was articulated”\(^10\).

The better these facilitating conditions are, “the easier it is for [the securitizing actors] to establish their preferred individual text as a dominant narrative for a larger collective”\(^11\).

First of all, we will provide a general definition of the Common European Asylum System, and highlight its main problems and areas of concern. Then we would like to illustrate our theoretical approach. In order to support our arguments we will analyze contemporary processes of securitization referring to asylum and refuge in the United Kingdom and France. Last but not least we conclude with our recommendations.

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5 Buzan/Weaver (2003): 491
6 Buzan et al (1998): 22f
7 Stritzel (2007)
8 ibid.: 360
9 ibid.: 372
10 ibid.: 372
11 ibid.: 370
2. The development of the Common European Asylum System and main areas of concern

Every human being has the right to leave and to return to the own country, the right to a nationality and the right to seek asylum from persecution as stated in the Universal Declaration for Human Rights. The rights of refugees and asylum seekers are grounded also in the 1951 Convention relating to the Status of Refugees followed by the 1954 Convention on the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness and the 1967 Protocol relating to the Status of Refugees. However, according to the European Council on Refugees and Exiles (ECRE) and the United Nations High Commissioner for Refugees (UNHCR) we can talk about a Common European Asylum System since 1999, when the first phase of the CEAS started. The second phase has started in 2005 and is supposed to be accomplished by 2012\textsuperscript{12}.

How was the EU tackling the asylum issue in the first phase? After the Amsterdam Treaty came into effect, the “Tampere Program” was accepted for the term of five years. It was designed to develop the EU as an “area of freedom, security and justice”. In 2004 the new plan, entitled “The Hague Program”, succeeded the previous one and some of its goals were emphasized in the 2005 “Action Plan”. Earlier, in 2003 the “Dublin II Regulations” and the “Reception Conditions Directive” were adopted. In the next year the above mentioned “The Hague Program” and the “Qualifications Directive” were accepted. In 2005 the “Asylum Procedures Directive” followed. The most important document adopted in the second phase is the “Stockholm Program” of 2009 that determines the priorities regarding international protection from 2010 to 2014. Moreover, the same year was marked by the Commission’s proposal to establish a “European Asylum Support Office” (EASO) which is welcomed by every institution caring about the protection of human and international protection rights.

The Dublin II Regulations state the criteria and mechanism to determine which Member State is responsible for examining an asylum application. ECRE and UNHCR argue that this system increases pressures on the external border regions of the EU and harshly disrupts the lives of those fleeing to Europe to find protection. It is based on the myth that protection standards are equivalent throughout the EU and the associated states. The Dublin system results in asylum seekers being transferred to states where their basic human rights are violated, access to protection is \textit{de facto} denied or access to specific treatment for asylum seekers with special needs is non-existent\textsuperscript{13}. These

\textsuperscript{12} Council of the European Union (2009): 60
\textsuperscript{13} European Council on Refugees and Exiles (2009a)
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regulations were created in order to avoid repeated applications. ECRE points out that it can lead to the delay of the presentation of claims and some claims can never be heard.

“Causes of concern include the use of detention to enforce transfers of asylum seekers from the state where they apply to the state deemed responsible, the separation of families, the denial of an effective opportunity to appeal against transfers, and the reluctance of Member States to use the sovereignty clause to alleviate these and other problems.”

It also increases pressures on the external border regions and the European neighborhood.

The Qualification Directive wants to harmonize the definition of “refugee” in Member States as well as “other forms of protection for persons who face serious risks in their country of origin” (“subsidiary protection”). The original objective of the Directive is to ensure that persons fleeing persecution are identified and have access to the same level of protection, regardless of the Member State where they lodge their asylum application. The Qualification Directive has clearly not achieved its objectives.

The Procedures Directive seeks to harmonize procedural guarantees and rights given during the asylum procedure and to uphold the quality of asylum decision-making in the Member States. The Directive confirms certain basic procedural guarantees such as the right to a personal interview, the right to receive information and to communicate with UNHCR, the right to a lawyer, and the right to appeal. However, some provisions in the Directive have the potential to lead to breaches of international refugee law, including to the *refoulement* of persons in need of international protection. The directive includes a variety of procedural tools to speed up asylum proceedings that undermine asylum seekers’ access to fair and efficient determination of their claims. “At the same time it allows Member States considerable room for derogation from basic guarantees for asylum seekers”.

Moreover, ECRE and UNHCR notice that disparities in asylum procedures across the EU remain and the chance of being granted international protection varies depending on the Member State in which an asylum application is lodged.

There are also insufficiencies regarding the most basic needs of human beings, such as housing or health care. Asylum seekers may have experienced real hardship of persecution or war, and their way from the country of origin into the country of destination is in most cases difficult. This is why

14 http://www.ecre.org/topics/asylum_in_EU/determining_responsibility
15 European Council on Refugees and Exiles (2009d): 4
16 European Council on Refugees and Exiles (2009a)
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A dignified minimum standard of living should be guaranteed when they are arriving. For this purpose, the Reception Directive was created. However,

“Member States have sometimes used the ambiguity of some of the Directive’s provisions to derogate from their obligations concerning reception conditions. As a result, in many countries asylum seekers are not provided with an adequate standard of living in terms of acceptable housing and sufficient financial allowances to cover their basic needs. They also face significant legal and practical obstacles to access employment, education and health care.”

As provided above, there are many points of concern and major problems accompanying the asylum systems in the European Union. It is recognized by authorities and officials that the current situation must be improved, which is why the Stockholm Program calls for the further development of the Common European Asylum System.

We decided to center our work on the so-called “internal dimension” of the European Union asylum policy. External elements seem to be increasingly the focus of the European Union and in the long-term they might provide durable solutions “in the regions of origin which receive a far greater percentage of the world’s refugees than the EU does”. As we want to show, the internal capacity of the EU and its Member States to provide comprehensive international protection remains in need of improvement and should therefore stay the main area of political efforts.

3. Public discours(es) about asylum in the EU: The general context

In this chapter of our work, we want to present the general social and political context in which asylum and the related issues are publicly perceived and described. First, we argue that this context should be understood as essentially discursive structured, which has consequences for the conceptualization of central ideas of political science like “power”, “credibility” or “influence”. Then we seek to explain what role the mass media and political actors play as so called “symbolic elites”.

It is a well-known fact that power has become decentralized and shared at different levels and between different actors. It is no longer possible to implement a decision without regard to communicative mediation and without regularly consulting the public opinion and viewpoints of relevant actors. In democratic consensus-making processes, where outcomes might be affected by a

18 Council of the European Union (2009)
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variety of actors, e.g. the mass media, it is necessary for politicians to regularly (re)produce and maintain their public credibility. Politicians have to communicate through mass media. However, the credibility, the public back-up or at least “comprehension” they want to receive, is not achievable in a simple way. Mass media actors critically comment and oversimplify, maybe even intentionally counter and misrepresent policy plans with the aim to spread their own influence, to increase their public attention and sales rates. Political campaigns might fire back due to an inappropriate rhetorical presentation of their intentions.

The processes that we want to deal with in this policy paper seem to be increasingly complex and therefore raise several difficulties to find an appropriate theoretical approach for analysis.

The term credibility seems to be in almost the same manner important and central for the mass media and the political system because both are dependent upon public support. “Credibility” is one of the essential elements of the “soft power”-concept introduced by Joseph S. Nye. “Soft power” means “the capacity to affect other by affecting the preferences of others” and it is meant to be more than “the ability to move people by argument, though that it is an important part of it”.

Even if there are some points of contact to the political and social complex that we want to analyse, Nye conceptualises „soft power“ mainly as an instrument of strategic behaviour of state actors. In the upcoming paragraphs, we seek to elaborate this understanding of credibility and power.

In the discursive approach, we can understand “power” as the ability to continuously influence the large discursive patterns or structures, to set the agenda, shape the central terms and arguments, that the actors in public debates are concerned with. We can say that different actors have to a different extent influence on the discursive structures and can entitle those, who have „access to and control over mass public discourses […] over the re/production and re/creation of hegemonic narratives in mass communication events“ as belonging to the symbolic elite. They are characterized by a „form of social power“ or “control”, thus „limiting the freedom of action of the others, or influence their knowledge, attitudes or ideologies“.

The social power and control of mass media actors is expected to be vast in our contemporary
societies, because they form a “communication gateway” for the actors who want to stay in contact with the general public. That is why we want to focus in our first and main case study on mass media actors in the discursive context of the United Kingdom.

But also political actors seem to play a crucial role as part of the symbolic elite by influencing discursive structures and public and individual perceptions of asylum seekers, refugees and migrant minorities. In a second case study, we want to focus on the political actors in France and their possibilities to basically shape the terms, set the topics and form the arguments that are accepted in public debates. With this smaller case study, we want to supplement the findings of our first case study and illustrate the role, but also responsibility of political actors more accurately.

3.1 Public discourse(s) about asylum in the EU: Media representations in the United Kingdom

As in many other western European countries, there exist common assumptions of politicians, media actors and the general public that “most asylum seekers are in reality economic migrants who make choices about where to seek asylum based on opportunities for employment and access to welfare benefits.” It is also assumed that many asylum seekers have a detailed knowledge about the asylum systems or the rights to access labor and welfare markets of the different European countries, and that these asylum seekers are making rational choices where to go on the basis of this knowledge. Responding to public concerns about the numbers of asylum applications and a possible “weakness” of the national asylum system, the UK government has been introducing new asylum policies and practices during the last years. The main tendencies of these changes can be categorized as:

1. the strengthening of entry and pre-entry controls,
2. more restrictive rules and the speed-up of determination procedures, and
3. the complication of legal accesses to welfare by asylum seekers.

The changes had several negative consequences for adequate refugees: they have to enter the UK illegally, most of the time directed by “travel agents”, who started to form own “migration industries”. Many travel in “mixed migration flows”, where they have to face the same border controls as immigrants, who do not have a legitimate claim for international protection. Their access

26 As a part of this social power, it can be asked if mass media actors increasingly determine political actors by expanding the functional logic of the media system. Keywords of recent research to these phenomena are „infotainment“ and „politainment“.
27 Crawley (2010): 13
28 ibid.: 13f; United States Department of State (2009)
to legal advice is significantly reduced, and sometimes they are removed to as “safe” estimated countries of transit or origin before an appeal against a negative decision is heard. Most of them do not have the right to work until a positive decision has been made and the levels of welfare support have been recently reduced²⁹.

However, refugees who come to the EU particularly do not choose a country. In most of the cases, they do not have any knowledge about the differences between European countries. Many people who come to the European Union and claim for international protection have the perception that they will arrive in a democratic and safe area, but most of them have no founded knowledge about where they are going to. This decision is up to the agent who brings the refugee here.

In the 4th quarter of 2009, 77% of initial decisions about refugee status have been refused in the UK³⁰. Sometimes, decisions about asylum applications can take from 6 months up to many years and during this period the asylum seekers face poor living conditions. They are kept between the uncertainty that lies behind them and the uncertainty about what will be decided in what Beneduce calls “frozen time”³¹. They are often arrested; they hide themselves and have problems to integrate in their host societies, given that they even want to. Moreover, they have to face ignorance, prejudices, even racism in their local neighborhood as well as the national mass media and political debates.

Now, we would like to analyse the discursive strategies that newspaper media actors use in their specific power positions as part of the “symbolic elite” to influence the larger, discursive structures surrounding topics of asylum, refuge and immigration.

In general, the presentation of asylum seekers, refugees and illegal immigrants in the British press is negative³². The Refugee Council (UK) reports that the “reporting and commentary about asylum seekers and refugees is often hostile, unbalanced and factually incorrect.”³³ Repeated, negative description is “an important influence on the audience in two ways: it ensures that the message gets across even to the most casual of readers and, for the more regular reader, it is suggestive of the story’s significance.”³⁴

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²⁹ Crawley (2010): 5f, 14
³⁰ Home Office (2010)
³¹ Beneduce (2008): 512
³³ ibid.: 8
³⁴ Greenslade (2005): 29
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The Daily Express published in February 2010 on their front page “Now migrants get a ‘VIP club’”. The newspaper covered the following:

“French charities have helped to create a virtual ‗departure lounge‘ for illegal immigrants heading across the Channel, offering them rest and recreation before they complete the final leg of their journeys. The organisers have also painted the text from Article 1 of the UN Universal Declaration of Human Rights on a sign warning that any attempt to close it down could face a challenge in the courts.”

The very next day there was another headline in the same newspaper: “Rise in council tax to pay for migrant crisis”. The Paper claimed that “the cost of coping with asylum seekers has forced council tax to rise in certain areas”.

To understand the ongoing processes better, we first have to analyze the newspaper journalists and editors according to their extent of “positional power” to influence collective meaning constructions and as members of the “symbolic elite” in the contemporary social and political context of the United Kingdom.

A number of researches proves that the newspaper press has a large, maybe the greatest influence on public opinions about asylum, immigration, and minority ethnic groups. This influence can be understood in a basic way as the ability to make decisions “on the amount of coverage to be given to particular incidents”. Additionally, newspapers are often “considered to be accurate and independent”, which is especially in the area of our research questionable. The press “sets the terms in which the public debate occurs” and can provide credibility to already existent prejudices in the opinion of its readership.

Like in the famous “chicken or egg”-causality dilemma, it is hard to tell if primarily the press is influencing the public opinion and language “top-down”, or if individuals rather continually express their opinions in a specific language “bottom-up”, so that the press has to consider and slowly adapt them. Another related conceptual problem is the fact that, even if the press frames the public debate on asylum, it is not clear if they are able to have a direct impact on the public opinion to perform securitizing speech acts successfully.

35 Allen/Flanagan (2010)
36 Chapman (2010)
37 Stritzel (2007): 372
40 Lewis (2005): 23f
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To tackle these problems, we have to look at the specific “deep embeddedness” of the newspaper mass media in its wider discursive context and its general social relations of power.41 By that, we want to accommodate Stritzel’s observation that “what is missing in the current articulations of the Copenhagen School is a better and more comprehensive awareness of the existence of a social sphere.”42 Especially in the realm of modern societies which communicate issues of a common interest through a developed mass media system, this appears to be necessary.

The relationship between newspaper speech actors and their audience is very complex and dynamic, because it is characterized by factors of changing internal- and external-perceptions and general financial interests. Today, the latter tend to determine the whole relationship between newspaper speech actors and its audience as we explain below.

Lewis summarizes in his research about public attitudes towards asylum in the UK that “[t]he majority of all participants expressed hostile views about asylum seekers.”43 The fears about asylum seekers can be categorized generally as “concerns about economic impacts (such as on the labor market or welfare systems) and about cultural and social change (such as increased racial diversity and overcrowding)”44. Lewis noticed among those interviewed a common “striking lack of empathy in the language used to talk about asylum seekers”45. Important is his observation that “[d]iscussion focused upon groups who could be immediately identified as different”, on the basis of their skin color for example, and that “no one raised issues about white immigration from countries such as Australia or the US”46. This can be understood as indicating a general racism that underlies the public construction of “them”-communities.

Lewis notices that negative opinions about asylum seekers and refugees are not incompatible with the “considerable and broad support for the principle of asylum”: People do not seem to be “necessarily opposed to the principle of providing protection to those who are in need of it”47.

Schinkel shows that especially in the right-wing media and political rhetoric, topics of economic immigration and asylum are closely interlinked with each other. There is a certain mistrust existent that most of the people were coming to benefit from the economic development in “our”

41 Stritzel (2007): 365
42 ibid.
43 Lewis (2005): 7
44 ibid.: 7; Schinkel (2009): 783
45 Lewis (2005): 7
46 ibid.
47 ibid.
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industrialized countries. These argumentative strategies might partially explain the contradictory combination of a general pleasant attitude towards the principle of asylum and the existent hostile views about the real phenomenon of people seeking asylum in the UK. Between these two positions mediating, we might find the continuous reproduction of common meaning constructions referring to as homogeneous and most of the time negatively described communities of asylum seekers and refugees.

How can we explain, that there is a continuity of collective meaning constructions negatively referring to asylum seekers and refugees, and not just singular and separate hatred speech acts? What benefits could the different actors involved have from such continuing processes of negative meaning constructions?

It is likely that there is a general hostile and prejudiced view about asylum seekers existent in the embedding social and political context of newspaper speech actors. But the press is not simply reflecting these public attitudes: it lends them credibility, “endorses and reinforces” them by providing the general framework in which their readers can integrate their personal perceptions, experiences and interpersonal discussion about the issues of asylum and immigration. At the same time, newspaper journalists and especially editors have a “vested financial interest in reporting on issues within their readers’ concerns” and therefore try to “reflect what they think people think”, because “newspaper readers tend to read [and buy] those newspapers that are generally in accord with their own perceptions and approaches”. If they are successful in this endeavor, and this includes being successful in the competition about relative market shares and sales rates, they are themselves “endorsed and reinforced” in their behavior by understanding the “high circulations as a proof that they are providing their readers want they what”. Many of the editors and journalists who are publishing primarily negative or even racist material about issues of asylum and immigration “believe that they are reflecting the views of society and therefore mirroring reality.”

The development of a mainly economic and financial oriented press plays a key role in every attempt to explain the characteristics of the relationship between newspaper speech actors and its audience. The free market is believed to be a never-failing judge and those who fail to follow, who

48 Schinkel (2009): 783
50 Greenslade (2005): 5
52 Greenslade (2005): 13
53 ibid.: 11
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are more interested in educating the public than “deriving profit from them” are “guilty of elitism, prescribing what the public wanted rather than allowing the people themselves to decide.”

In recent years, the journalistic culture has changed and “[i]nformation gave way to entertainment or a subtle combination of the two: infotainment”.

To sum up, we claim that there is likely a general hostile and prejudiced view about asylum seekers and refugees present in the embedding social and political context of newspaper speech actors. At the same time, people are not necessarily opposed to the principle of asylum.

In this context, it would be possible to formulate the thesis that we are dealing with a system that is using processes of regular securitisations as a central element to stabilize itself. As we tried to show with our analysis of the “positional power” of newspaper speech actors, it is unlikely that mass media is really capable, or even intends to perform successful securitisations referring to issues of asylum, refuge and immigration. But the regular creation and preservation of collective threat-perceptions “below the level of exceptionality” might be useful to concentrate public attention, maintain high sales and circulation rates, and create processes of mutual reinforcement and legitimization.

In this part of our case study, we want to analyze the specific “compatibility between the textual structure and the existing discourse” that speech acts of the press might have. As Stritzel states “[t]exts often evolve out of particular socio-linguistic contexts so that they often carry with them the baggage of a historically evolved practice out of which and towards which a particular text was articulated”. In our analysis, we do not want to deal with the “historically evolved practice” that might surround a text or a securitizing speech act, but discuss temporary changes in the “socio-linguistic contexts” that might evolve from internal and external events like general elections or international humanitarian catastrophes.

Gabrielatos and Baker have registered in their analysis that there have been “a number of sharp rises (“spikes”) and falls” in the press coverage of refugee and asylum seeker-related issues in UK newspapers from 1996-2005, which suggests that there is an “occasionalseasonal” interest of the

54 Greenslade (2005): 10
55 ibid.
56 Stritzel (2007): 367
57 ibid.: 372
58 ibid.
59 Gabrielatos/Baker (2008)
60 ibid.: 17
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topics in the media. KhosraviNik\textsuperscript{61} analysed in the same research project the Kosovo Conflict (1999) and the British general elections (2005) as major external and internal events that might have caused two of the greatest “spikes”.

The analysis, concerning the Kosovo Conflict (1999) shows that the description of refugees and asylum seekers during this time has been largely positive. Noticeable is especially the finding that the same micro-structures, that are normally used to describe refugees negatively, can serve to render them positively, if the “macro-structure of interpretation” is different. The frequent use of “metaphors linking refugees with natural disasters” like “influx”, “flooding” or “tide of refugees”, that are normally used to describe refugees negatively, maintained in this case an urgency for help and support by the British government and the international community in general. As KhosraviNik summarizes it accurately: “[M]eanings reside within the society and social context, rather than the language.”\textsuperscript{62} This illustrates again the need to conceptualize securitizing speech acts as deeply embedded in their social and political contexts.

Internal political events like the British general elections (2005) or the passing of the asylum bill (2004) can also lead to “spikes” in the press coverage of asylum seekers and refugees. During these times, newspaper speech actors tend to construct asylum seeker- and refugee-communities as part of a “(usually negative) media comment on government policies”. They are “functionalized as part of a struggle for political hegemony, being discursively constructed as a people who merely constitute the topic of political debate, somewhat dehumanized as an ‘issue’.”\textsuperscript{63} “They are used ‘to argue against the rival party’ and their ‘individualization’ with singling-out or the use of proper names occurs especially in conservative newspapers only when ‘they are involved in negative actions’.

In the above illustrated system that is using processes of regular securitizations “below the level of exceptionality” as a central element to stabilize itself, we can understand internal events like pre-electoral political campaigns as intensifications of securitizing processes. During these times, it is likely that mass media speech actors experience an increase in the extent of their positional power. By supporting and stressing topics of asylum, refuge and immigration in the pre-electoral campaign, it is likely that mass media influences the political agenda – before, as much as after the actual elections.\textsuperscript{64}

\textsuperscript{61} KhosraviNik (2009)
\textsuperscript{62} ibid.: 493f
\textsuperscript{63} Gabrielatos/Baker (2008): 19
\textsuperscript{64} Greenslade (2005): 30
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We will be dealing closer with this thesis and the related questions in our second case study about the debate over French national identity on the eve of the regional elections 2010.

Let us now turn to the analysis of the last important and almost overarching factor of newspaper speech actors and their embeddedness in wider discursive contexts: the missing knowledge about issues of asylum and refuge and the resulting “general confusion” of the speech act audience.

Lewis notes in his empirical research on public attitudes about asylum that “[t]here is a popular assumption that the vast majority of asylum seekers are not in fear of persecution and should not be claiming asylum.”65 Most of the participants of his survey had a “generally poor knowledge about international issues” and only a small minority could mention “events such as the wars in Iraq or Afghanistan as potential drivers of asylum.”66 There seem to be a lack of knowledge about the questions why people claim for asylum.

But the estimation that the “vast majority of asylum seekers are not in fear of persecution” can be also explained by the general “confusion” over the legal status of asylum seekers. Many of the participants of Lewis’ survey confusingly put the rightfulness of an asylum claim on a level with the way someone entered the UK. Those entering “illegally” for example hidden in a lorry were suspected to be “fake” or “bogus” asylum seekers67. Buchanan et al show that certain sections of the national press are guilty of describing individuals, who are seeking international protection in the UK through “meaningless” and “derogatory” terms such as “illegal refugee” and “asylum cheat”68. Also, they failed to use the correct terminologies that reflect the distinctions of British law between “illegal immigrant”, “asylum seeker”, “refugee” and “(economic) immigrant”: The terms were simply used as synonyms. Gabrielatos and Baker come to similar results in their research and conclude that “the conservative and tabloid British press are responsible for creating and maintaining a moral panic”69 around topics of asylum and immigration. The misuse of terminology indicates for Greenslade “the way in which these papers - and quite probably their readers - view all incomers, of whatever status, as unwanted aliens.”70 Even in cases where negative misinformation about asylum seekers and refugees was published unwittingly, it can gain a “hold on the public imagination” which reversely might “give journalists misplaced confidence that they are both telling

65 Lewis (2005): 14
66 ibid.
67 ibid.
68 Buchanan/Grillo/Threadgold (2003)
70 Greenslade (2005): 21
the truth and acting on the public’s behalf.”

Another more indirect reason for negative misinformation and the general confusion about topics of asylum and refuge might also be the lack of meaningful contact with asylum seekers, refugees and people from different ethnic backgrounds on a local level. Lewis states that “[p]eople with few or no personal relationships with minority ethnic communities were more likely to express overtly negative or racist views about asylum seekers.”

Summary

It is very likely that there is a general hostile and prejudiced view about asylum seekers and refugees existent in the embedding social and political context of newspaper speech actors in the UK. At the same time, people are not necessarily opposed to the principle of asylum.

These contradictions in the public attitudes can be explained by postulating a continuous (re)production of a homogeneous and mainly in negative terms described “them”-community of asylum seekers, refugees and immigrants. The press gives credibility to the existent negative views and prejudices, reinforces and justifies them. Newspaper journalists and editors are themselves reinforced and justified in their behavior and decisions through feedback-loops in a system that is largely characterized, maybe more and more determined by the financial interests of its actors. Shared social and political “realities” are constructed.

An important part of this process is also the missing knowledge and the general confusion about terms and topics of asylum and immigration. Illegal immigrants and people in need of international protection are described in similar ways; the different legal terms are used as synonyms. This influences the public opinion, reinforces and justifies hostile and prejudiced views. Reversely, journalists and editors gain confidence about what they are publishing. Negative collective meaning constructions referring to homogeneous migrant communities loop in the public sphere between speech actors and their audience.

We seem to deal with a system that is using processes of regular securitizations as a central element to stabilize itself. As we tried to show with our analysis of the “positional power” of newspaper speech actors, it is unlikely that they are really capable, or even intend to perform successful securitizations referring to issues of asylum, refuge and immigration. But the regular creation and

71 Greenslade (2005): 12
72 Lewis (2005): 17
preservation of collective threat-perceptions “below the level of exceptionality”\textsuperscript{73} might benefit a variety of actors by concentrating public attention, maintaining high sales and circulation rates, and by creating processes of mutual reinforcement and legitimization.

These processes of regular securitizations seem to intensify or diminish due to external and internal events like international humanitarian catastrophes or pre-electoral campaigns that change the “socio-linguistic context” of the (securitizing) speech acts. We want to discuss the thesis of possible intensifications of the illustrated processes closer on the basis of our second case study.

3.2 Public discours(es) about asylum in the EU: Political representations in France

In our second case study, we want to focus more on political actors and analyse their role in the contemporary processes of collective meaning constructions referring to topics of asylum, refuge and immigration. As an essential part of the “symbolic elites” they can influence discursive structures by shaping the terms, setting the topics and forming the arguments that are accepted in public debates. With this smaller case study, we want to supplement the findings of our first case study and discuss the question which functions, benefits, but also responsibilities political speech actors might have in a system that is using processes of regular securitizations “below the level of exceptionality” as a central element to stabilize itself. Furthermore, we want to reconsider and exemplify the thesis, that these processes might intensify during pre-electoral campaigns by changing the “socio-linguistic context” of the (securitizing) speech acts.

On the 25\textsuperscript{th} October 2009, the French minister of immigration Eric Besson initiated on television a debate about the question, how the French national identity in the 21\textsuperscript{th} century can be defined\textsuperscript{74}. Since then, the French “symbolic elite” plays an important part in the discussion, but the founding idea of the debate was to involve every French citizen: Public discussions and surveys were organised and an online platform under the moderation of the ministry was created\textsuperscript{75}. This can be interpreted as an effort to partially share and “decontrol” the socio-linguistic power that is normally reserved to actors of the “symbolic elite”. From that perspective the debate could be understood as a step towards a more deliberative democracy\textsuperscript{76}, as contributing to processes of mutual education and participation in public discourses, or to political legitimation through public consultation.

\textsuperscript{73} Stritzel (2007): 367
\textsuperscript{75} Grand débat sur l’identité nationale. Available Online: http://www.debatidentitenationale.fr/ [accessed 02/04/2010]
\textsuperscript{76} See for example the work of Joseph M. Bessette, Seyla Benhabib or Jürgen Habermas.
In the upcoming, we want to show that the debate is rather in danger to encourage hostile and prejudiced opinions, and discriminatory and exclusionary tendencies in the social, political and media discourses.

In terms of societal security, we can understand the debate as a collective meaning construction wherein minority communities with a migration background are presented as a challenge to the French national and cultural identity and therefore as a threat to the maintenance of social order. The proclamation of the debate and its timing has been heavily criticized as a political calculation of Nicolas Sarkozy's party to attain voters from the right wing for the regional elections (March 2010) by calling the public attention to a subject of common interest and concern. Lewis notes that the fears surrounding asylum, refuge and immigration can be generally categorized as “concerns about economic impacts […] and about cultural and social change”77. When we assume the idea of a “calculation”, we have to ask what possible benefits the political actors expect, and how they use the second type of main public concerns to achieve them.

Tyler notices that the main effort in political debates about topics of asylum and immigration is “put into the work of producing crisis, an engineered crisis which then is met with political discourses of ‘crisis management’”78. According to Huysman, immigration to European countries has been perceived on a state- and supra-state-level since the 1980s more and more as a challenge to the cultural composition of the nation-states79. During the development and consolidation of large-scale national identities since the end of the great civil wars of the early modern period, “nationalism” can be understood as the traditional instrument of social and political integration. This “nationalism” has changed on the basis of collective learning processes following several great humanitarian catastrophes like the Holocaust in Europe: The construction of “we”-identities, that always seems to imply “them”-identities exterior changed from mainly focusing on the concept of “race” to the concept of “culture”80.

The French case is commonly perceived by French scholars or politicians as special in this sum-up, because “[i]n France, the state preceded and constructed the nation [and not the other way around] by overcoming differences of origin and by accessing common values and principles”81. The

77 Lewis (2005): 7; Schinkel (2009): 783
78 Tyler (2006): 190f
79 Huysman (2000)
80 KhosraviNik (2009): 477
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traditional French instruments of social and political integration are therefore not only referring to large-scale cultural and national identities, but these identities are understood as consisting above all certain “common values and principles”. During the debate, it was important for several actors to emphasize that the debate is not limited on the topic of immigration, but deals with an “overall loss of common values”\textsuperscript{82}. Proclaiming a public debate about the threatened common values was presented as accurately aiming at a re-definition and thereby \emph{stabilisation} of them, therefore contributing to collective political and social integration.

We think that there are several problems constituent in the public effort to re-define the common values through a public debate about national identity. They might in the long-term paradoxically produce a \emph{destabilisation} of the social order and integrity. If we assume the system of regular securitizations “below the level of exceptionality” that we described above, we can understand the behavior of the political actors as trying to “get on board” and profit from its particular benefits. But the intensification of the process that is accompanying such behavior is in danger to endurringly influence the social and political context of speech acts relating to asylum and immigration in a negative manner.

First of all it is questionable if the results of the debate are valuable sources for policy making in the long run, because the question of what “common values and principles” contain, is a matter of ongoing discussions, different political and social perspectives and interpretations.

At the same time, the policy of the ministry of interior risks to encourages public expressions of racism and xenophobia in its social context: Huysman marks that the “structuring of the political debates about migration in cultural terms has played an important role in giving nationalist movements and extreme right-wing parties a prominent place in the political field”\textsuperscript{83}. This assumption seems to be validated by the “comeback” of the right-wing party Front Nationale in the actual results of the regional elections\textsuperscript{84}. During the campaign, the media coverage of right-wing political leaders was enormous, also in relative comparison with the other parties.

The problem reaches even deeper, if we look at the fact that the terminology for the contemporary debate about “immigration” has been basically defined by right-wing parties, when the traditional

\textsuperscript{82} The ministry of immigration made this quite clear. An „overall loss of common values“ includes diverse concern about developments like the popular „individualisation of society“, but also the construction of an european identity which might replace national identity, and the fear of the revival of extreme nationalism, racism and xenophobia. See Ministre de l’Immigration, de l’Intégration, de l’Identité nationale et du Développement solidaire (2010): 1-7

\textsuperscript{83} Huysman (2000): 767

\textsuperscript{84} Laurent (2010)
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ones did not give enough attention to the issues and thereby missed the opportunity to develop alternative visions and policies\textsuperscript{85}.

As a multicultural society and with a wider educational sensitivity to racial matters, the majority of French people seem to be aware of an overtly racist language. But this does not guarantee that there are no hostile and prejudiced opinions, no discriminatory and exclusionary tendencies in the social, political and media discourses.

It is likely that right-wing political actors are brought into a favoured “power position” by shaping the public discourse about immigration in largely cultural terms. They can easily combine public concerns about immigration and social order with the concern that the Government has not accurately addressed the issue or is facing a problem that they cannot “manage”. Like that, they create political pressure on the Government to regularly introduce more restrictive policies and to participate in the collective meaning constructions referring negatively to asylum seekers, refugees and immigrants.

Securitizing speech acts seem to waver between levels “above” and “below exceptionality”, while actors are trying to benefit from public concerns and avoid visible discriminatory or racist statements at the same time.

Politicians should rather concentrate on “real-world” issues, like the problems surrounding the mixed migration flows in Calais, that live in horrible conditions while trying to cross the border between France and the UK. In a last part, we want to deal with Calais as a problem that is located between the two states of our case studies. More than that, it can be understood as a general problem and „symptom of a flawed European Asylum System”\textsuperscript{86}.

\textit{Calais as a symptom of the flawed European Asylum System}

The behavior of the two governments – UK and France, dealing with Calais has been largely addressing symptoms rather than causes for the emergence of the “problem”: The UK mainly strengthened its border controls and stopped everyone from entering the country. The French minister Eric Besson ordered the closing of the migration camps and increased police activity\textsuperscript{87}. UNHCR states that there seems to be many with protection needs, some of them especially

\textsuperscript{85} Van der Valk (2003): 315
\textsuperscript{86} European Council on Refugees and Exiles (2009b)
\textsuperscript{87} European Council on Refugees and Exiles (2009c)
vulnerable, in the mixed and “irregular” migration populations of Calais. But how can we describe and address the real causes for the “phenomenon Calais”?

France Terre d'asile sees the main reasons for the “phenomenon” in the Dublin II Regulations and states that “the particular pressure that exists in Calais is the consequence of the poor reception and protection standards in the Member States that the migrants cross before arriving into France.”

Fear of being returned under the Regulation lessens the likelihood that individuals who are in genuine need of international protection, are really applying for it. This weights especially for those refugees, who had to transit Greece, because it is “well documented that accessing the asylum procedure in Greece is difficult, in particular for minors, and there are many deficiencies with the Greek asylum procedure and cases of refoulement by the Greek authorities.” Therefore UNHCR claims that “asylum-seekers should not be returned to Greece, in view of deficiencies in the system there.”

But we can also find even deeper reasons that closely link the problems in Calais with the findings of our case studies. The French and British authorities widely assume that the people who do not apply asylum in France are therefore “economic migrants who do not need asylum and are instead intending to abuse the UK asylum procedure as a means of staying in the UK once they get there.”

The migration populations in Calais are viewed as “a monolithic group who wish to 'abuse the system' and whose only wish is to go to the UK”. The authorities seem to regard the mixed migration flows on a similar basis of meaning constructions that we noticed before: They describe them as homogeneous communities, who want to exploit the “weak” national and European asylum systems and profit from social and economic welfare. To strengthen border-controls and eliminate the assumed “incentives” for exploitation is the only logical consequence for policy-makers.

We think that the mixed migration communities in Calais have to be treated as “individuals with different needs” and different requirements of international protection. If the two states want to really solve the problem they have to “work with fellow Ministers in the European Union to implement a harmonised asylum system with high standards of international protection.”

88 United Nations High Commissioner for Refugees (2009a)
89 European Council on Refugees and Exiles (2009c); British Refugee Council and France Terre d'Asile (2009): 5
91 United Nations High Commissioner for Refugees (2009b)
92 British Refugee Council and France Terre d’Asile (2009): 1
93 ibid.: 2
94 ibid.: 3
95 European Council on Refugees and Exiles (2009b); United Nations High Commissioner for Refugees (2009a)
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national asylum standards and systems are harmonized, it should be considered to largely suspend and fundamentally reform the Dublin II Regulations. Components of “solidarity between the Member States” could be strengthened, but more important is to develop the humanitarian elements of the Regulation and the Common European Asylum System in general\footnote{Beginnings can be found in Article 15 of the Dublin II Regulations.}.

4. Conclusions and Recommendations

Since the beginning of the development of the Common European Asylum System (CEAS), several legal instruments have been created. Some of them have been stressed and implemented more than others. The “cross border”-problem of Calais illustrates the need of harmonized national asylum systems with equal procedural guarantees and rights, minimum standards for the reception of asylum seekers, and a decision-making about their cases that deserves to be called “fast and fair”.

It also illustrates the urgency to harmonize the speed in that the different elements of the CEAS are developing. Until the national asylum system of another country cannot guarantee asylum procedures and living standards that are as good as our own, we should not consider forced deportations, even if these countries are considered to be generally “safe”. The humanitarian idea that lies at the origin of the principle \textit{asylum} has to be reminded and should find a stronger expression in reconsidered national and supranational asylum laws.

The current Common European Asylum System leads to several problems and makes the life of refugees and asylum seekers hard. There were attempts to improve the situation, but many problems have remained and new ones emerged. As especially our first case study about the United Kingdom shows, the living conditions of asylum seekers are poor. The housing facilities, health care, social and legal assistance are not sufficient enough. There is a lack of job and education opportunities for asylum seekers. We argue that it is necessary to establish decent living conditions, social facilities, to improve legal assistance and provide health care, job and education facilities for asylum seekers.

At the same time, we emphasize the fact that it is not enough to reform the living conditions of asylum seekers through simply spending more money or changing national and European asylum laws. As we have shown in our case studies, there seem to be quite stabilized structures – a complex system that is using processes of regular securitizations as a central element to stabilize itself. The regular creation and preservation of collective threat-perceptions “below the level of exceptionality” might be useful to concentrate public attention, maintain high sales, circulation and popularity rates,
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and create processes of mutual reinforcement and legitimization. For that, the media and political actors are using general hostile and prejudiced views about asylum seekers and refugees that are already existent in the embedding social and political context. Shared social and political “realities” are constructed, which offers additional incentives to different actors to profit from them. Temporary intensifications of the processes are in danger to endurably influence the social and political context of speech acts relating to asylum and immigration in a negative manner.

The described processes and structures have to be desecuritized. As we are dealing with quite stabilized systems, we have to prepare for very complex and long-term challenges. We have to create incentives for political and media actors to participate in different, more realistic public descriptions of asylum seekers and refugees. These incentives can consist in a changing public awareness that is achieved through educational measures and more local contact with asylum seeker- and refugee-communities. This way, the regular misuse of public concerns by political actors during pre-elective campaigns is likely to terminate, too. As we tried to show, there is a danger that political actors give right-wing politicians, media actors and their opinions a public stage. Rather trying to benefit from public concerns, they should realize the responsibility that comes with their “power positions” and try to develop own approaches for appropriate and humanitarian migration and integration policies. At the same time, the asylum seekers and refugees should get more regularly the chance to speak and participate in their social and political context, be it through NGO and civil society-activities or directly.

The different legal terms surrounding migration should be distinguished in public debates more clearly, which can be also part of the educational measures. Politicians should think about creating possibilities for refugees to enter legally, so that mixed migration flows and the further development of a “migration industry” can be prevented partially.
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